

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

SANDRA NOEMY MENJIVAR-MENJIVAR,

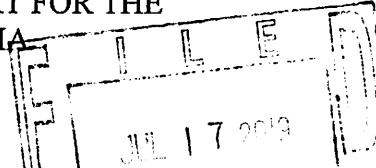
a/k/a "Sandra Noemi Manjivar,"

a/k/a "Marlene Menjivar,"

*Defendant.*

)  
)  
)  
)  
)  
)  
)  
)

Case No. 1:19-MJ-327



**AFFIDAVIT IN SUPPORT OF A  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Kurt Simard, being duly sworn, state the following:

1. I am a Deportation Officer with United States Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE/ERO) in Fairfax, Virginia. I have been employed with ICE since August of 2011. I was previously employed as a Border Patrol Agent with United States Customs and Border Protection for three years. During that time, I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant for Sandra Noemy MENJIVAR-MENJIVAR (hereafter referred to as MENJIVAR), an alien who was

found in the United States after being denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, in violation of Title 8, United States Code, Section 1326(a).

4. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, and it is not intended to include each and every fact and matter observed by me or known to the government.

#### **SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE**

5. On or about May 29, 2019, ICE/ERO Fugitive Operations Unit based out of Lorton, Virginia, encountered MENJIVAR at her residence in Herndon, Virginia, which is in the Eastern District of Virginia, after receiving a lead from the ICE National Criminal Analysis and Targeting Center (NCATC) that MENJIVAR may have unlawfully returned to the United States after a prior removal. ICE officers identified themselves after greeting MENJIVAR at her front door and requested consent to enter. MENJIVAR granted consent and provided ICE officers with an El Salvadorian identity document and a valid passport from El Salvador. After positively identifying MENJIVAR, ICE officers ran criminal record checks and discovered that MENJIVAR had an outstanding arrest warrant out of Herndon, Virginia. ICE officers contacted the Herndon Police Department and police officers subsequently arrived at MENJIVAR's home in Herndon, Virginia. Herndon police officers took custody of MENJIVAR based on the outstanding arrest warrant. MENJIVAR was taken to the Fairfax County Adult Detention Center where ICE officers lodged an immigration detainer against MENJIVAR on or about May 29, 2019.

6. On or about May 29, 2019, the Fairfax County Adult Detention Center obtained MENJIVAR's fingerprints pursuant to the above-mentioned arrest. Those fingerprints were automatically processed through ICE indices containing fingerprint records of known and previously deported aliens. This system is also integrated with criminal records maintained by the FBI and is commonly referred to as Next Generation Identification (NGI). The result of this query showed positive matches to MENJIVAR and her FBI number.

7. On or about June 18, 2019, I reviewed documents from MENJIVAR's immigration alien file (commonly referred to as an "A file") that is maintained by United States Citizenship and Immigration Services. The A file contained three fully executed Immigration Service Forms I-205s, Warrants of Removal/Deportation. The I-205s bear the photograph, fingerprint, and signature of MENJIVAR and confirm that she was removed from the United States to El Salvador on January 31, 2014 from Alexandria, Louisiana, on October 16, 2014 from Laredo, Texas, and on February 12, 2015 from Laredo, Texas.

8. On or about June 18, 2019, I requested a copy of MENJIVAR's fingerprint card that was taken as a result of her arrest on May 29, 2019 from the FBI Special Processing Center. I then asked the FBI to compare those fingerprints with several fingerprints located in MENJIVAR's A file, which included fingerprints taken from her I-205s showing removal on February 12, 2015 and January 31, 2014, and with fingerprint cards dated October 29, 2013 and April 9, 2011. On June 19, 2019, the FBI successfully matched all submitted fingerprints to MENJIVAR and her FBI number.

9. MENJIVAR's A file indicates that she does not have any immigration benefit, document, or status that would allow her to enter, be admitted, pass through, or reside in the United States legally and she has neither sought nor obtained permission from the Attorney General of

the United States or the Secretary of Homeland Security to reenter the United States following her formal removals.

### CONCLUSION

10. Based the foregoing, I submit there is probable cause to believe that on or about May 29, 2019, in Herndon, Virginia, within the Eastern District of Virginia, the defendant, Sandra Noemy MENJIVAR-MENJIVAR, having been removed from the United States on or about January 31, 2014, October 16, 2014, and February 12, 2015, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a).



Kurt Simard  
Deportation Officer  
United States Immigration and Customs  
Enforcement

Sworn to and subscribed before me

This 7 day of July 2019.



/s/  
Theresa Carroll Buchanan  
United States Magistrate Judge

The Honorable Theresa Carroll Buchanan  
United States Magistrate Judge  
Alexandria, Virginia